

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.30990 of 2018
and

W.M.P.No.36144 of 2018 and W.M.P.No.11433 of 2019

1. Union of India rep. by
Secretary to Government,
M/o Environment & Forest,
New Delhi.
 2. The Principal/ Dean
Tamil Nadu State Forest Academy,
Coimbatore (Formerly State Forest Service
College, Coimbatore -2)
- Petitioners

Vs

1. S.Radhakannan,
 2. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.
- ..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the second respondent pertaining to O.A.No.01994/2014 and order passed thereon dated 23.04.2018 and quash the same.

For Petitioners : Mr.S.M.Deenadayalan

For Respondent : Mr.J.Muthukumaran for R1
R2-Tribunal.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The 1st respondent filed Original Application before the Tribunal in O.A.No.1994/2014 for issuance of a direction to the petitioners' herein to grant him compassionate appointment on account of the death of his father Thiru.S.Sridharan, who was an

employee of State Forest Service College, Coimbatore. The Original Application was disposed of by the Tribunal, by order dated 23.04.2018. The Tribunal directed the petitioners' herein to consider the case for compassionate appointment sympathetically and in accordance with the relevant Scheme. The said order is under challenge at the instance of the Union of India.

2. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the respondents.

3. There is no dispute that the father of the 1st respondent was an employee of the State Forest Service College, Coimbatore. The employee died in harness on 05.09.1996. The 1st respondent being his son, submitted application for compassionate appointment. There was no consideration of the application at the instance of the petitioners, resulted in filing the Original Application.

4. There was no positive direction given by the Tribunal to appoint the 1st respondent. The direction was only to consider his case sympathetically in accordance with the relevant Scheme.

5. The learned counsel for the petitioners contended that the father of the 1st respondent was only a temporary employee and as such, his son was not eligible for compassionate appointment. There was no direction given by the Tribunal to pass orders in a particular manner. The only direction given to the petitioners was to consider the issue in the light of the relevant Scheme. In view of the limited direction given by the Tribunal, there was no cause of action for the petitioners to file the writ petition. In fact, there was no adverse order passed against the petitioners so as to enable them to file the writ petition.

6. We direct the petitioners to consider the claim made by the 1st respondent for compassionate appointment in accordance with the relevant Scheme. Such exercise shall be completed by the petitioners within a period of three months from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

To

1. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

2. The Secretary to Government,
Union of India
Secretary to Government,
M/o Environment & Forest,
New Delhi.

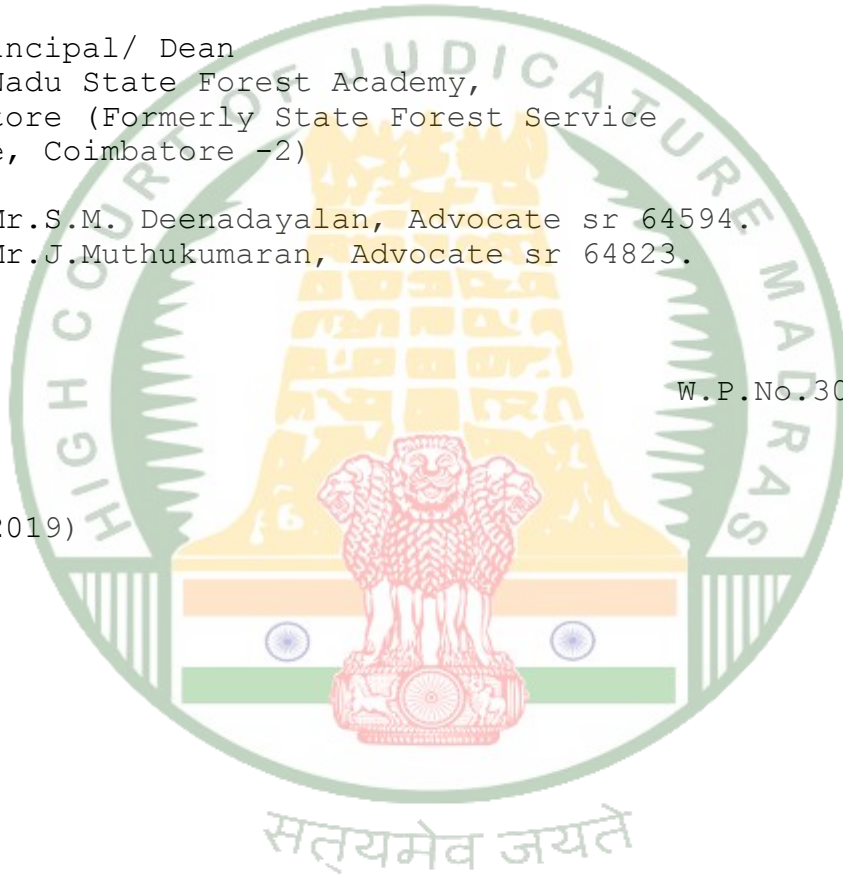
3. The Principal/ Dean
Tamil Nadu State Forest Academy,
Coimbatore (Formerly State Forest Service
College, Coimbatore -2)

+1 CC to Mr.S.M. Deenadayalan, Advocate sr 64594.

+1 CC to Mr.J.Muthukumaran, Advocate sr 64823.

W.P.No.30990 of 2018

NMI (CO)
SP(10/09/2019)



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